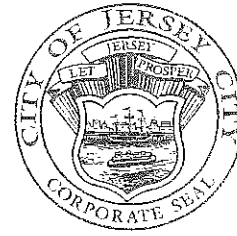


City Clerk File No. Ord. 17-141

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-141

TITLE:

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3  
(ADMINISTRATION OF GOVERNMENT), ARTICLE III (MAYOR) AND  
ARTICLE VI (DEPARTMENT OF ADMINISTRATION) OF THE JERSEY CITY  
MUNICIPAL CODE**

**COUNCIL** offered and moved adoption of the following Ordinance:

**WHEREAS**, in order to improve the quality of life in Jersey City, the municipal government must identify sustainable ways to foster economic growth and development, more efficiently manage municipal resources, conserve energy, preserve natural resources, and plan for resiliency; and

**WHEREAS**, to this end, the City will invest in a Bureau of Innovation; and

**WHEREAS**, the mission of this internal team is to develop data-driven, cost-saving, resilient solutions for critical sustainability and resiliency issues faced by the City; and

**WHEREAS**, this bureau currently exists in the Mayor's office and shall be transferred to the Department of Administration and shall be known as the Bureau of Innovation.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

- A. The following amendments to Chapter 3 (Administration of Government) Article III (Mayor) are hereby adopted:

**ADMINISTRATION OF GOVERNMENT  
ARTICLE III  
Mayor**

**§3-10. Through §3-19.2.1.- No Change.**

**§3-19.3.- ~~{Bureau of Innovation}~~ Reserved.**

~~{Within the Office of the Mayor there shall be a Bureau of Innovation, the head of which shall be the Director of Innovation who shall serve at the pleasure of the Mayor.}~~

**§3-19.4.- ~~{Powers and Duties of the Bureau of Innovation}~~ Reserved.**

~~{The Bureau of Innovation shall improve the City's quality of life by developing bold, forward thinking, data-driven solutions for the most challenging and complex issues faced by the City.}~~

~~Whenever possible the Bureau will cooperate with the various City Departments and autonomous agencies, members of the community and with outside funding sources, as appropriate.~~

~~The Bureau will provide such reports as requested by the Mayor and Business Administrator.}~~

**§3-19.5. Through §3-19.6.- No Change.**

- B. The following amendments to Chapter 3 (Administration of Government) Article VI (Department of Administration) are hereby adopted:

**ADMINISTRATION OF GOVERNMENT  
ARTICLE VI  
Department of Administration**

**§3-39. Through §3-41. No Change.**

**§3-42.- Organization of Department.**

The Department of Administration shall consist of the following divisions and offices:

- A. Division of Management and Budget.
- B. Division of Real Estate.
- C. Division of Architecture.
- D. Division of Engineering, Traffic and Transportation.
- E. Office of Municipal Public Defender.
- F. Division of Communications.
- G. Reserved.
- H. Reserved.
- I. Division of Purchasing and Central Services.
- J. Office of Sustainability.
- K. Division of Information Technology.
- L. Office of Diversity and Inclusion; Heads.
- M. Office of Utility Management.
- N. ~~{Reserved}~~ Bureau of Innovation.
- O. Reserved.
- P. Reserved.
- Q. Reserved.
- R. Division of Economic Opportunity.
- S. Office of Risk Management.
- T. Division of Collections.
- U. Division of Treasury and Debt Management.
- W. Division of Accounts and Control.
- X. Division of Internal Audit.
- Y. Office of Tax Abatement.

**§3-43.- Through §3-55.- No Change.**

**§3-56.- [Reserved] Bureau of Innovation.**

Within the Department of Administration there shall be a Bureau of Innovation.

**§3-56.1.- Powers and Duties of the Bureau of Innovation.**

The Bureau of Innovation shall improve the City's quality of life by developing bold, forward-thinking, data-driven solutions for the most challenging and complex issues faced by the City.

Whenever possible the Bureau will cooperate with the various City Departments and autonomous agencies, members of the community and with outside funding sources, as appropriate.

The Bureau will provide such reports as requested by the Mayor and Business Administrator.

**§3-57.- Through §3-60.11.- No Change.**

C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

D. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

E. This ordinance shall take effect subject to the terms of this ordinance at the time and in the manner as provided by law.

F. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted.  
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**AN ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE VI (DEPARTMENT OF ADMINISTRATION) TO MOVE THE BUREAU OF INNOVATION FROM THE MAYORS OFFICE TO THE BUSINESS ADMINISTRATION**

**Initiator**

Department/Division	Office of the Mayor	Bureau of Innovation
Name/Title	Brian Platt	Director of Innovation
Phone/email	<a href="mailto:BPlatt@jcnj.org">BPlatt@jcnj.org</a>	201-988-2432

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

We intend on moving the Bureau of Innovation to the BA's office.

I certify that all the facts presented herein are accurate.



9-19-17

\_\_\_\_\_  
Signature of Department Director

\_\_\_\_\_  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-141  
TITLE: 3.A OCT 11 2017 4.A

Ordinance amending and supplementing Chapter 3 (Administration of Government), Article III (Mayor) and Article VI (Department of Administration) of the Jersey City Municipal Code. (Bureau of Innovation moves from Mayor's Office to Business Administration)

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">OCT 11 2017 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

**OCT 11 2017**

Adopted on first reading of the Council of Jersey City, N.J. on \_\_\_\_\_

Adopted on second and final reading after hearing on \_\_\_\_\_

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date \_\_\_\_\_

\*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date \_\_\_\_\_

Date to Mayor \_\_\_\_\_

City Clerk File No. Ord. 17-142  
Agenda No. 3-B 1st Reading  
Agenda No. 4-B 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-142

**TITLE:**  
**AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC)  
ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-  
23 (NO STOPPING OR STANDING) DESIGNATING BOTH SIDES OF GREENE  
STREET BETWEEN COLUMBUS DRIVE AND SECOND STREET AS NO STOPPING  
OR STANDING**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article III (No stopping or standing) of the Jersey City Code is hereby supplemented as follows:

**Section 332-23 NO STOPPING OR STANDING**  
No person shall stop or stand a vehicle upon any of the streets or parts thereof listed below.

Name of Street	Side	Limits
<u>Greene St</u>	<u>Both</u>	<u>Columbus Dr to Second St</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material to be inserted is new and underscored.

AV:pel  
09.29.17

APPROVED: [Signature]  
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]  
Municipal Engineer

APPROVED: \_\_\_\_\_  
Business Administrator

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance**

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-23 (NO STOPPING OR STANDING) DESIGNATING BOTH SIDES OF GREENE STREET BETWEEN COLUMBUS DRIVE AND SECOND STREET AS NO STOPPING OR STANDING

**Initiator**

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E.	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

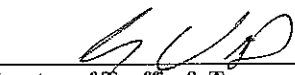
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

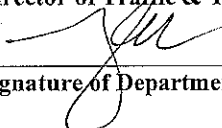
**Ordinance Purpose**

DESIGNATE BOTH SIDES OF GREENE STREET BETWEEN COLUMBUS DRIVE AND SECOND STREET AS NO STOPPING OR STANDING

Improve traffic circulation on Greene Street as motorists are continually parking in the travel lane.

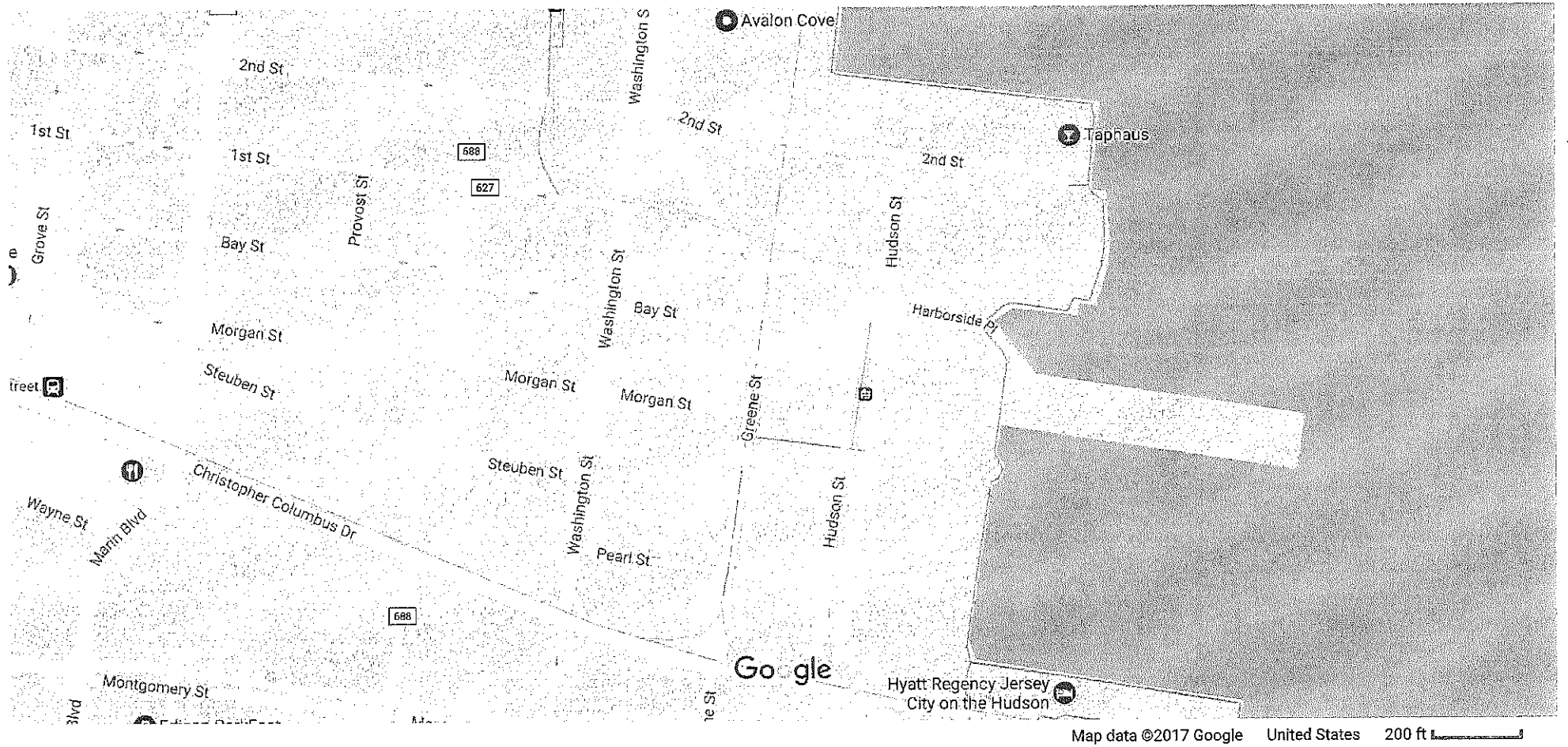
I certify that all the facts presented herein are accurate.

  
Director of Traffic & Transportation

  
Signature of Department Director

9/29/17  
Date

10/4/17  
Date







STEVEN M. FULOP  
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF ENGINEERING, TRAFFIC & TRANSPORTATION

Municipal Services Complex  
13-15 Linden Avenue East | Jersey City, NJ 07305  
Engineering Desk: 201-547-4411 | Traffic Desk: 201-547-4470



ROBERT KAKOLESKI  
BUSINESS ADMINISTRATOR

MEMORANDUM

**DATE:** September 29, 2017

**TO:** Jeremy Farrell, Corporation Counsel ✓  
Robert Kakoleski, Business Administrator  
Robert Byrne, City Clerk  
Councilwoman Osborne, Ward E

**FROM:** Andrew Vischio, PE, Director of Traffic & Transportation  
Division of Engineering, Traffic and Transportation

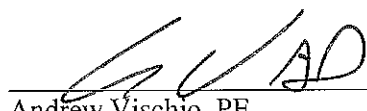
**SUBJECT:** PROPOSED ORDINANCE – NO STOPPING OR STANDING

Please be advised, this Division has proposed an Ordinance (for the Council's consideration) amending Chapter 332(Vehicles and Traffic) Section 332-23(No Stopping or Standing) designating both sides of Greene Street as "no stopping or standing" between Columbus Drive and Second Street.

Designating this section of Greene Street will improve traffic safety on Greene Street as motorists are continually parking in the travel lane.

Councilwoman Osborne has been made aware of the proposed amendments via Email. (Copy attached). The recommended amendments should appear on the Agenda for the October 11, 2017 Municipal Council Meeting.

Feel free to contact me at 201.547.4419 or at [AVischio@jcnj.org](mailto:AVischio@jcnj.org) if you have any questions.

  
\_\_\_\_\_  
Andrew Vischio, PE  
Director of Traffic & Transportation

AV:pci

C: Jose Cunha, P.E., C.M.E., C.P.W.M., C.R.P., Municipal Engineer  
Chief of Staff Mark Albiez  
Mary Spinello-Paretti, Business Administrator, Division of Parking Enforcement, Public Safety  
Council President Lavarro, Jr.      Councilwoman Watterman      Councilman Rivera  
Councilman Gajewski      Councilman Gadsden      Councilman Boggiano  
Councilman Yun      Councilman Robinson

## Patricia Logan

---

**From:** Patricia Logan  
**Sent:** Friday, September 29, 2017 9:42 AM  
**To:** Candice Osborne  
**Cc:** Andrew Vischio; Joe Cunha; Robert Kakoleski  
**Subject:** Greene St Legislation

Good morning Councilwoman

We are proposing legislation for the October 11<sup>th</sup> Municipal Council meeting designating both sides of Greene Street from Columbus Drive to Second Street as "no stopping or standing."

This parking restriction will improve traffic circulation on Greene Street as motorists are continually parking in the travel lane. Please advise if you have any objection to proposing this legislation. Feel free to contact Andrew Vischio, PE, Director of Traffic & Transportation, via Email at [AVischio@jcnj.org](mailto:AVischio@jcnj.org) or at 4492 if you have any questions.

Sincerely,  
The City of Jersey City  
Department of Administration

Patricia Logan, Engineering Aide  
Division of Engineering, Traffic and Transportation  
Municipal Services Complex/13-15 Linden Avenue East  
Jersey City, New Jersey 07305  
201.547.4492

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-142  
TITLE: 3.B OCT 11 2017 4.B

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) amending Section 332-23 (No Stopping or Standing) designating both sides of Greene Street between Columbus Drive and Second Street as No Stopping or Standing.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">OCT 11 2017 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMEN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMEN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMEN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

**OCT 11 2017**

Adopted on first reading of the Council of Jersey City, N.J. on \_\_\_\_\_

Adopted on second and final reading after hearing on \_\_\_\_\_

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Rolando R. Lavarro, Jr., Council President

Date \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Steven M. Fulop, Mayor

Date \_\_\_\_\_

Date to Mayor \_\_\_\_\_

\_\_\_\_\_  
Robert Byrne, City Clerk

\*Amendment(s):

City Clerk File No. Ord. 17-143

Agenda No. 3-C 1st Reading

Agenda No. 4-C 2nd Reading & Final Passage



## **ORDINANCE OF JERSEY CITY, N.J.**

**COUNCIL AS A WHOLE**

offered and moved adoption of the following ordinance:

### **CITY ORDINANCE 17-143**

**TITLE:**

**A FRANCHISE ORDINANCE GRANTING PERMISSION TO  
M&T BANK – BRANCH 3303, ITS SUCCESSORS AND ASSIGNS,  
TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF  
LANDS WITHIN THE SIDEWALK AREA OF BAYVIEW  
AVENUE AND OCEAN AVENUE PUBLIC RIGHT-OF-WAYS  
LOCATED ADJACENT TO 532 OCEAN AVENUE, JERSEY CITY,  
NJ**

**WHEREAS**, M&T Bank, having a business address of One M&T Plaza, Buffalo, NY 14203, is the owner of the property located at Block 23603, Lots 18 & 19 (*aka* 532 Ocean Avenue), on the current tax maps of the City of Jersey City, and more commonly known as M&T Bank – Branch 3303, and as part of its development desires to make site improvements to a portion of lands located within the sidewalk areas of Bayview Avenue and Ocean Avenue public right-of-ways. The proposed improvement of the property includes the renovation of M&T Bank – Branch 3303 to install an Americans with Disability Act (“ADA”) access ramp to remove a barrier to access under the ADA; and

**WHEREAS**, the renovation includes the proposed construction of a handicap ramp and appurtenances along Bayview Avenue and landing within the corner of Bayview and Ocean Avenue sidewalk areas of the public right-of-way, which encroachment will involve one (1) ramp along Bayview Avenue and appurtenances with the ramp landing on Ocean Avenue; and

**WHEREAS**, M&T Bank has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is essential for the construction of the handicap ramp for handicap accessibility to the building; and

**WHEREAS**, after due notice was given in accordance with law, a public hearing was held on the Petition filed by M&T Bank to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the installation of a handicap ramp with appurtenances and landing to be located within the sidewalk areas of Bayview Avenue and the Ocean Avenue public right-of-ways for the purpose of providing handicap accessibility to the building, said encroachment occurs with one (1) ramp along Bayview Avenue with appurtenances and landing at the Ocean Avenue entrance to the Bank; and
2. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto; and

**WHEREAS**, the Jersey City Zoning Officer and Building Department approved the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

**WHEREAS**, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-ways; and

**WHEREAS**, by reason of the character of the development of the area within which this property is situated, and the area requested for the franchise is minimal, and the said improvements will assist in meeting handicap access to the property and greatly benefit Jersey City and the surrounding neighborhood; and

**WHEREAS**, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

**NOW, THEREFORE, BE IT ORDAINED**, by the Municipal Council of the City of Jersey City, that:

**SECTION I.** Permission be, and is hereby granted to M&T Bank, its successors and assigns, to make private improvements to a portion of lands located on Bayview Avenue and Ocean Avenue, in the City of Jersey City, said areas being more particularly described as follows and on the plan attached hereto as Exhibit A (survey and metes and bounds description).

1. The contemplated improvements will include the installation of a handicap ramp with appurtenances and landing to be located within the sidewalk areas of Bayview and the Ocean Avenue public right-of-ways (see Exhibit A; survey and metes and bounds description); and
2. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Officer and Building Department and there will remain sufficient area in the right-of-way for pedestrian use; and
3. All costs associated with these improvements will be incurred by the Petitioner.

**SECTION II.** All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. M&T Bank, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

**SECTION III.** This Ordinance shall remain in full force and effect for a period of twenty (20) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

**SECTION IV.** All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by M&T Bank.

**SECTION V.** In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, M&T Bank, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. M&T Bank, its successor and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$2,000,000.00 in General Liability insurance, or in such amount and type as the City's Risk Manager may reasonably require from time to time, in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

**SECTION VI.** This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

**SECTION VII.** Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

**SECTION VIII.** An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

**SECTION IX.** For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

**SECTION X.**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.
- C. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

DEED DESCRIPTION OF A PARCEL OF LAND SITUATED IN THE CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY


BEING an area of encroachment as shown on a map entitled "Encroachment Map for M&T Bank – Branch 3303, Situated at 532 Ocean Avenue – Tax Block 23603, Lots 18 & 19, City of Jersey City, Hudson County, New Jersey", prepared by Korzen Engineering, last-revised June 19, 2017, more particularly described as follows:

BEGINNING at the point of intersection of the southeasterly sideline of Ocean Avenue (70-foot wide right-of-way) and the northeasterly sideline of Bay View Avenue (60-foot wide right-of-way); thence running:

1. Along the aforementioned northeasterly sideline of Bay View Avenue, South 45 degrees, 04 minutes, 04 seconds East (S 45° 04' 04" E), seventeen and forty-three hundredths (17.43') feet; thence along a line through the right-of-way of Bay View Avenue the following two (2) courses:
2. South 44 degrees, 43 minutes, 20 seconds West (S 44° 43' 20" W), four and ninety-two hundredths (4.92') feet; thence,
3. North 45 degrees, 16 minutes, 40 seconds West (N 45° 16' 40" W), thirteen and eighteen hundredths (13.18') feet; thence,
4. Along a line through the right-of-ways of Bay View Avenue and Ocean Avenue, North 4 degrees, 18 minutes, 33 seconds West (N 4° 18' 33" W), ten and fifty-eight hundredths (10.58') feet; thence,
5. Along a line through the right-of-way of Ocean Avenue, North 85 degrees, 41 minutes, 27 seconds East (N 85° 41' 27" E), four and fifty hundredths (4.50') feet to the aforementioned southeasterly sideline of Ocean Avenue; thence,
6. Along said southeasterly sideline of Ocean Avenue, South 36 degrees, 20 minutes, 47 seconds West (S 36° 20' 47" W), five and forty-one hundredths (5.41') feet to the point and place of BEGINNING.

CONTAINING: 90 square feet or 0.0021 acre, more or less.

ALL IN ACCORDANCE with the above-referenced map.



Peter K. Korzen, P.E., P.L.S.

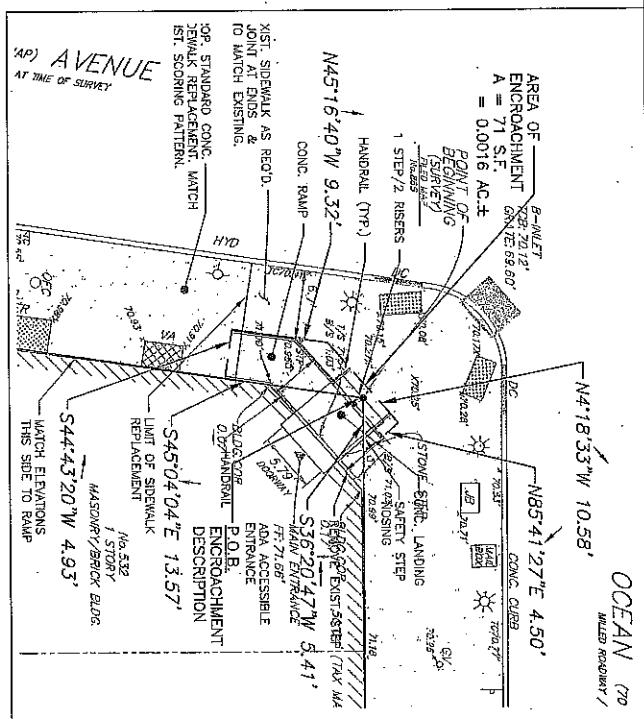
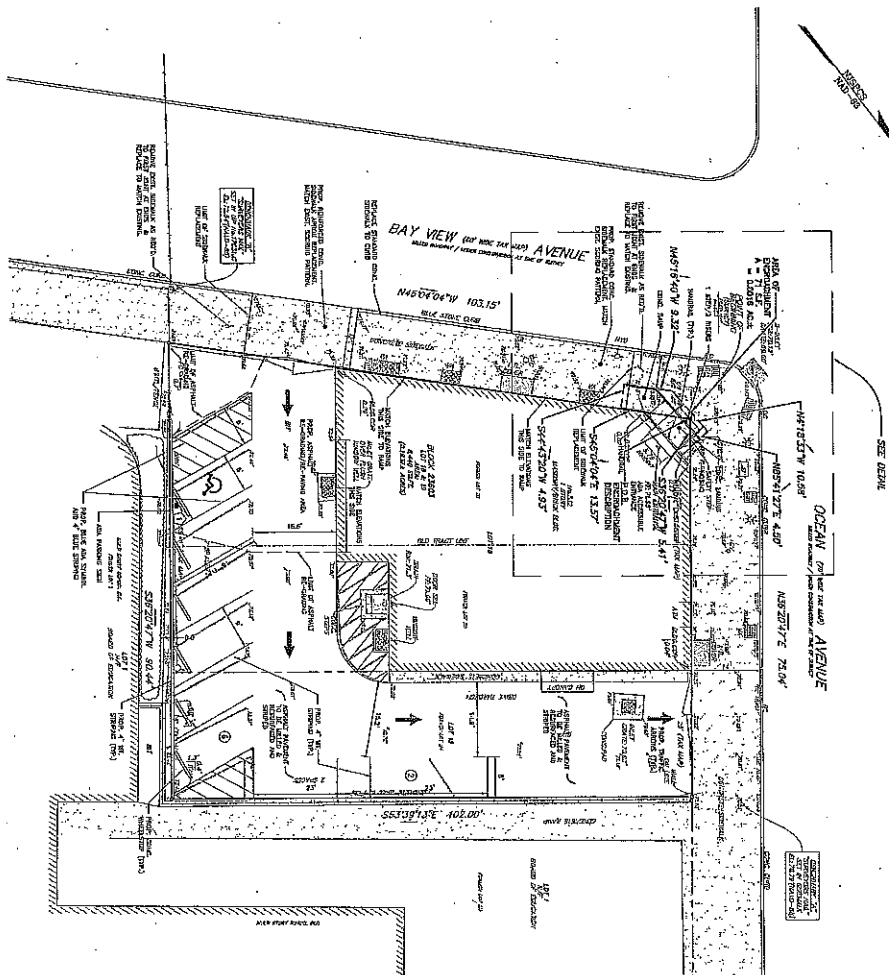
New Jersey Professional Engineer &

Land Surveyor, License No. 24GB03585000

6/19/17

Dated





### GENERAL NOTES

**A M&T Bank**  
23200 JEFFERSON AVE. JEFFERSON CITY, MO 64131

• ENCRDACHMENT MA...

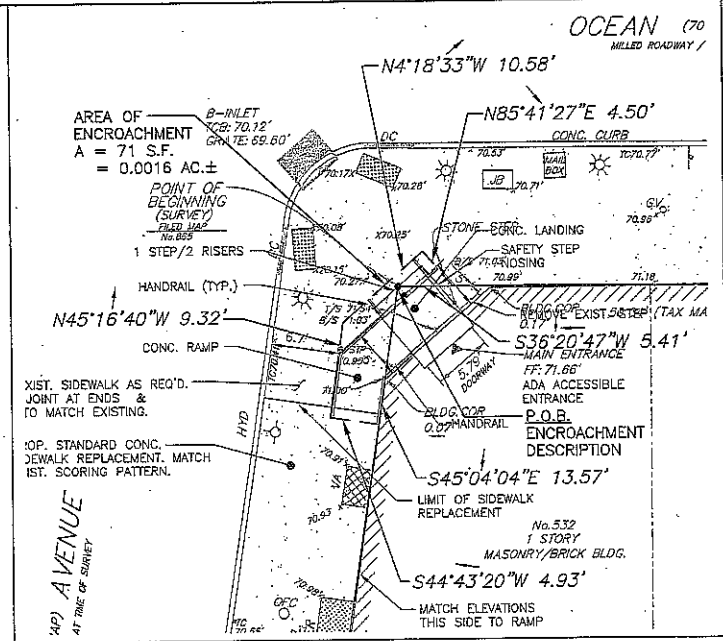
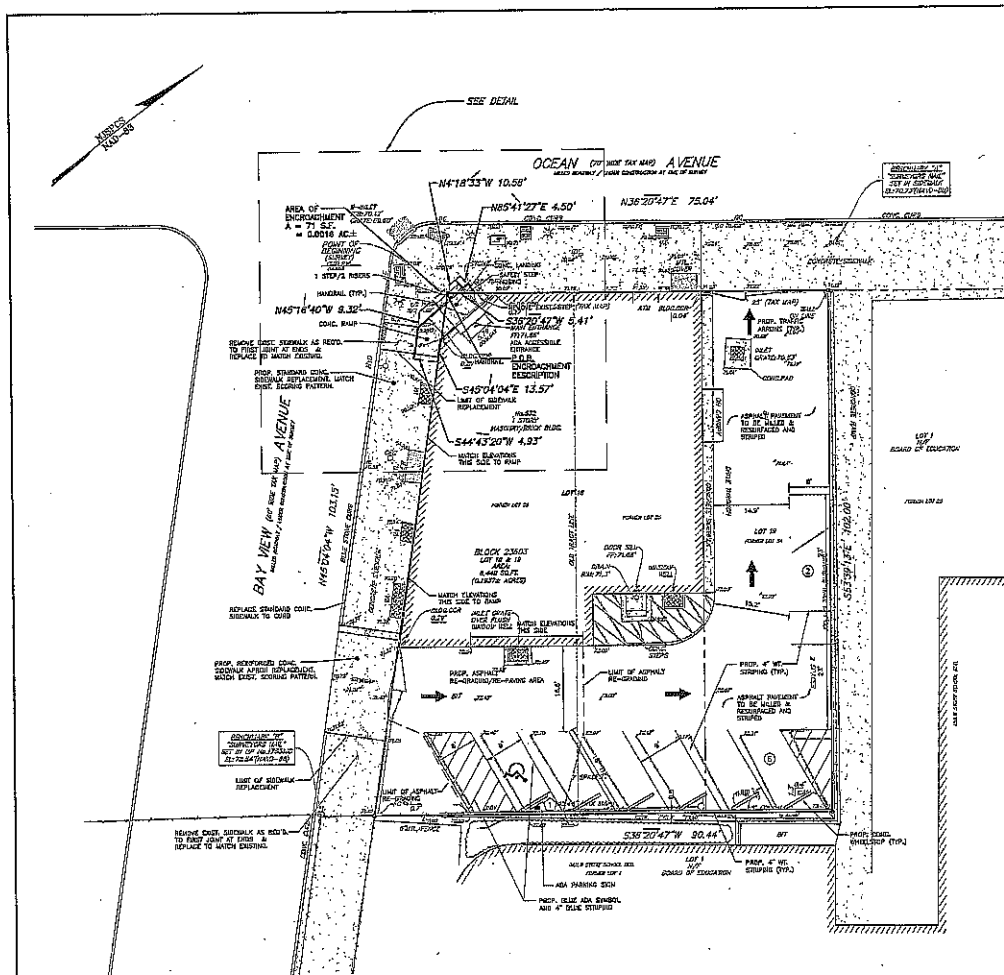
SETTLED AT  
M&T BANK -- BRANCH 3303

CITY OF JERSEY CITY HUDSON COUNTY

## AKOBYENI

**Engineering**  
Call Engineering & Services  
Tel. 0115 951 2222

[illegible]



#### GENERAL NOTES:

1. AREA OF ENCROACHMENT INCLUDES PROPOSED ADA RAMP, LANDINGS AND APPROPRIATELY THAT ARE LOCATED IN THE PUBLIC RIGHT-OF-WAY.
2. DIMENSIONS INFORMATION BASED ON A MAP DATED 1998 SHOWING CORRECTIONS PLAN FOR MAP 1000 - BRANCH 3303, SITUATED AT 532 OCEAN AVENUE - TAX BLOCK 23603, LOTS 18 & 19, CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY. PREPARED BY KORZEN ENGINEERING, DATED OCTOBER 2014. SEE PLAN FOR MORE INFORMATION.
3. PROPOSED SIDE WALK REPLACEMENT BASED ON A PLAN DATED 2014 FOR MAP 1000 - BRANCH 3303, SITUATED AT 532 OCEAN AVENUE - TAX BLOCK 23603, LOTS 18 & 19, CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY. PREPARED BY KORZEN ENGINEERING, DATED OCTOBER 2014. SEE PLAN FOR MORE INFORMATION.

**M&T Bank**

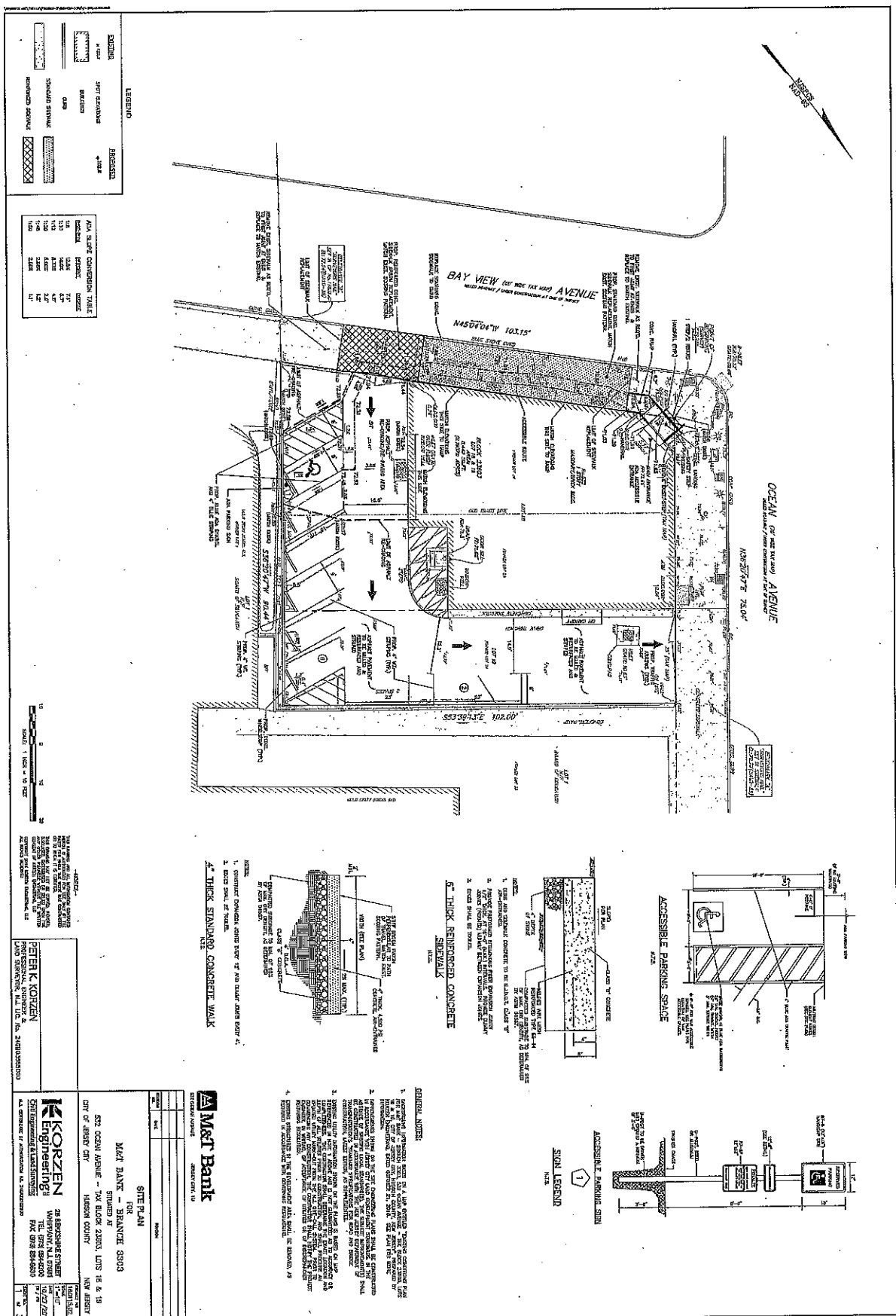
532 OCEAN AVENUE JERSEY CITY, NJ

NO.	DATE	REVISION
1	10/11/15	02
ENCROACHMENT MAP		
FOR		
M&T BANK - BRANCH 3303		
SITUATED AT		
532 OCEAN AVENUE - TAX BLOCK 23603, LOTS 18 & 19		
CITY OF JERSEY CITY HUDSON COUNTY NEW JERSEY		

 <b>KORZEN</b> Engineering Civil Engineering & Land Surveying ALL ESTIMATES OF ADJUSTMENTS ARE BASED ON THE	28 BARKSHIRE STREET WHIPPANY, N.J. 07981 TEL: (973) 884-4000 FAX: (973) 884-4050	PROJECT NO. 150115.02 SCALE 1"=10' DATE 3/08/2017 (N) 7 x 5 NEW PL. 1 of 1
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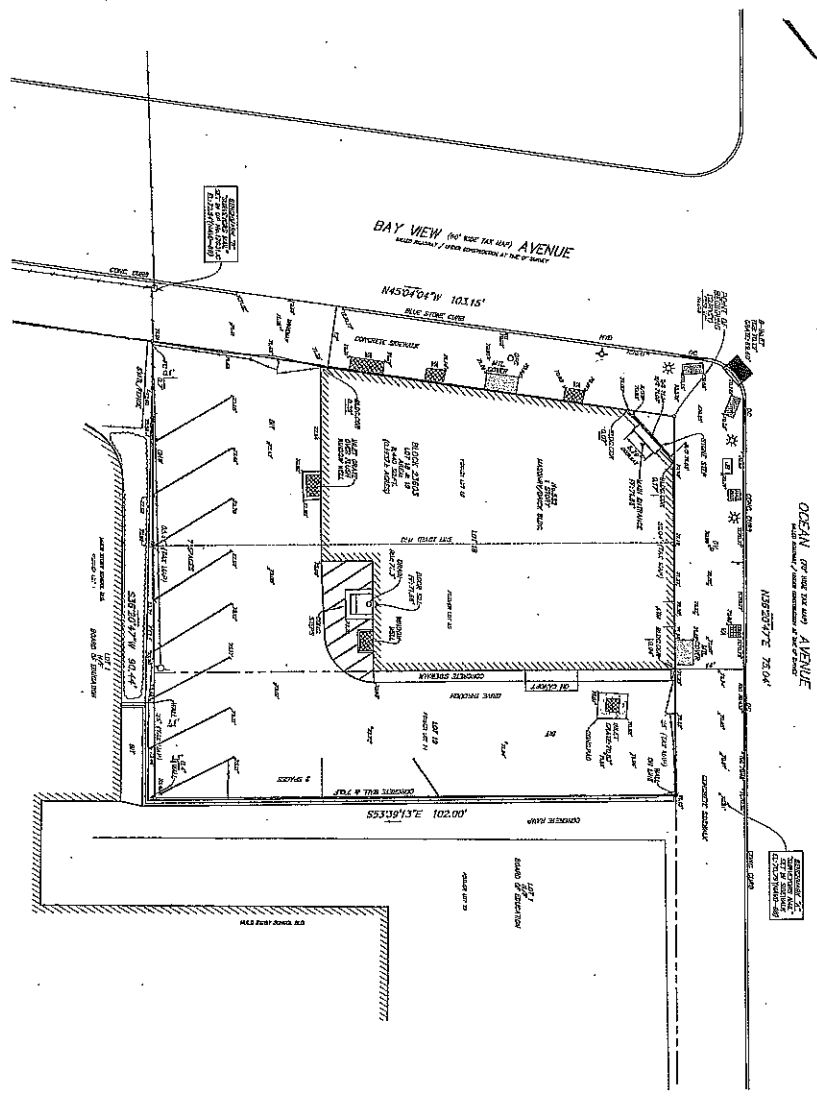
PETER K. KORZEN  
PROFESSIONAL ENGINEER &  
LAND SURVEYOR, N.J. LIC. NO. 246302385000

15 0 10 20  
SCALE: 1 INCH = 10 FEET



- GENERAL NOTES:**
1. THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT TO BE USED FOR CONSTRUCTION. IT IS TO BE USED FOR INFORMATIONAL PURPOSES ONLY.
  2. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.
  3. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.
  4. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.

- EXISTING CONDITIONS FOR MAP GENERAL NOTE 1:**
1. A. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.
  2. B. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.
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**NOTES:**

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**PETER K. KOREN**  
 2480 BROADWAY  
 NEW YORK, N.Y. 10001  
 212-692-1234

**KORZEN ENGINEERING**  
 2480 BROADWAY  
 NEW YORK, N.Y. 10001  
 212-692-1234

**M&T Bank**  
 120 WALL STREET  
 NEW YORK, N.Y. 10038  
 212-692-1234

**EXISTING CONDITIONS PLAN**  
 MAP BANK - BALANCE 3803  
 SITUATED AT  
 532 OCEAN AVENUE - TAX BLOCK 2563, LOTS 18 & 19  
 CITY OF JERSEY CITY - HUDSON COUNTY NEW JERSEY

**LEGEND**

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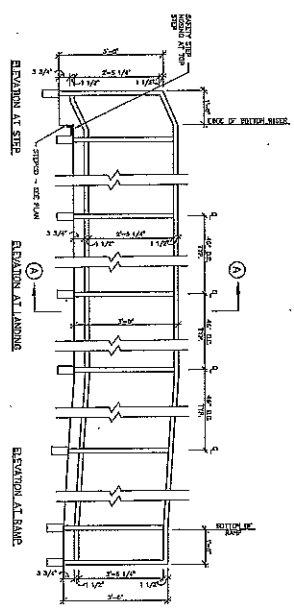
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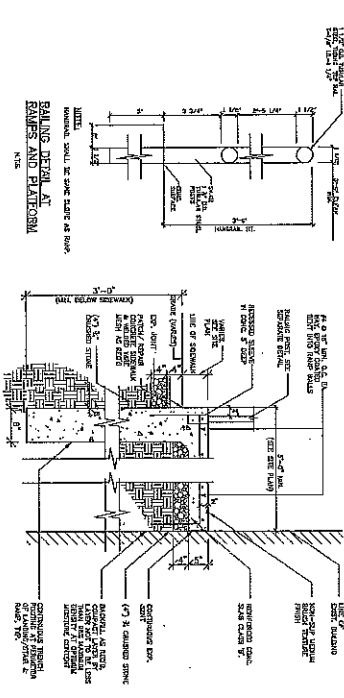
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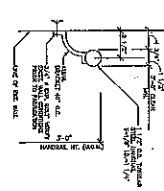


- NOTES:
1. ALL STEEL TO BE THICKEN STEEL.
  2. ALL STEEL TO BE GALVANIZED.
  3. ROOF TO BE 1/2" THICK CONCRETE.
  4. ROOF TO BE 1/2" THICK CONCRETE.
  5. ALL STRUCTURE AND CONNECTIONS TO BE MADE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC SPECIFICATIONS.
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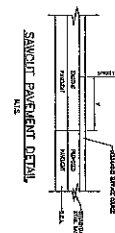
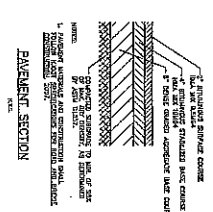
**HANDRAIL ELEVATION**



**RAILING DETAIL AT RAMP AND PLATFORM**



**RAILING DETAIL AT EXISTING BUILDING WALL**



**M&T Bank**

CONSTRUCTION DETAILS

M&T BANK - BRANCH 3303

STANDARD AT

530 OCEAN AVENUE - TAX BLOCK 2303, LOTS 12 & 13

CITY OF JERSEY CITY HARRISON COUNTY NEW JERSEY

**PETER K. KORZEN**

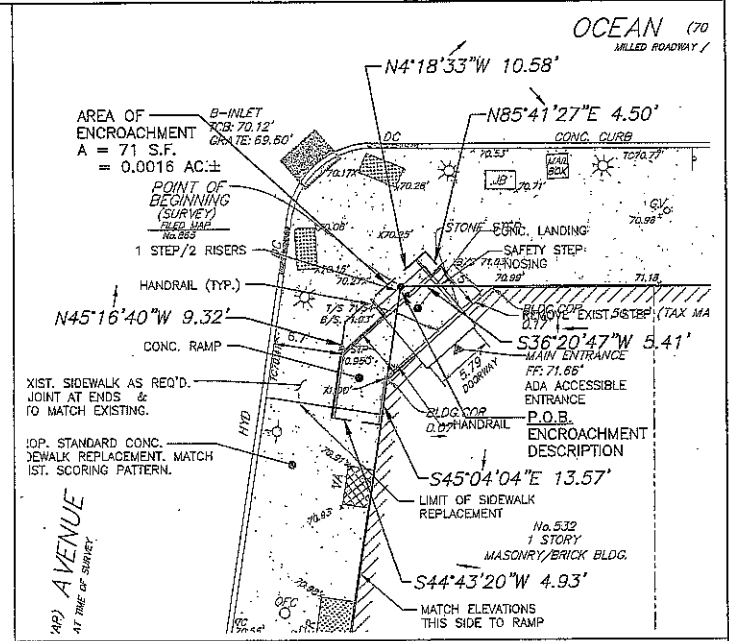
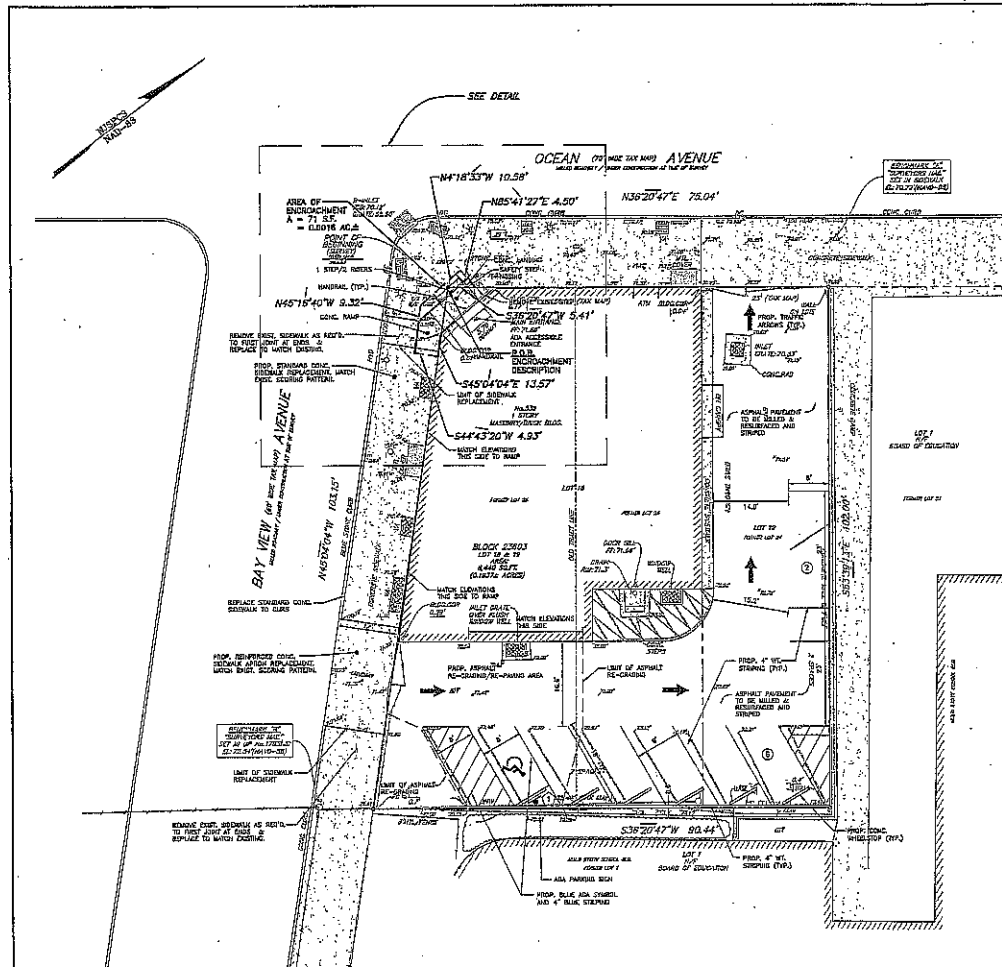
ENGINEER

28 BROADWAY STREET

WHIPPANY, N.J. 07981

TEL: 973-884-5000

FAX: 973-884-5000



- GENERAL NOTES
1. AREA OF ENCROACHMENT INCLUDES PROPOSED ADA RAMP, LANDING AND APPROPRIATELY THAT ARE LOCATED IN THE PUBLIC RIGHT-OF-WAY.
  2. BACKGROUND INFORMATION BASED ON A MAP DATED 1978 SHOWING PLANS FOR BAY BANK - BRANCH 3303, SITUATED AT 532 OCEAN AVENUE - THE BLOCK 23603, LOTS 15 & 16, CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY. PROVIDED BY JERSEY ENGINEERING, DATED OCTOBER 24, 2014. SEE PLAN FOR MORE INFORMATION.
  3. PROPOSED SITE IMPROVEMENTS BASED ON A PLAN DATED 1978 FOR BAY BANK - BRANCH 3303, SITUATED AT 532 OCEAN AVENUE - THE BLOCK 23603, LOTS 15 & 16, CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY. PROVIDED BY JERSEY ENGINEERING, DATED OCTOBER 24, 2014. SEE PLAN FOR MORE INFORMATION.

**M&T Bank**

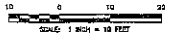
3303 OCEAN AVENUE JERSEY CITY, NJ

NO.	DATE	REVISION
1	01/15/22	ENCROACHMENT MAP FOR M&T BANK - BRANCH 3303 SITUATED AT 532 OCEAN AVENUE - TAX BLOCK 23603, LOTS 15 & 16 CITY OF JERSEY CITY HUDSON COUNTY NEW JERSEY

**KORZEN Engineering**

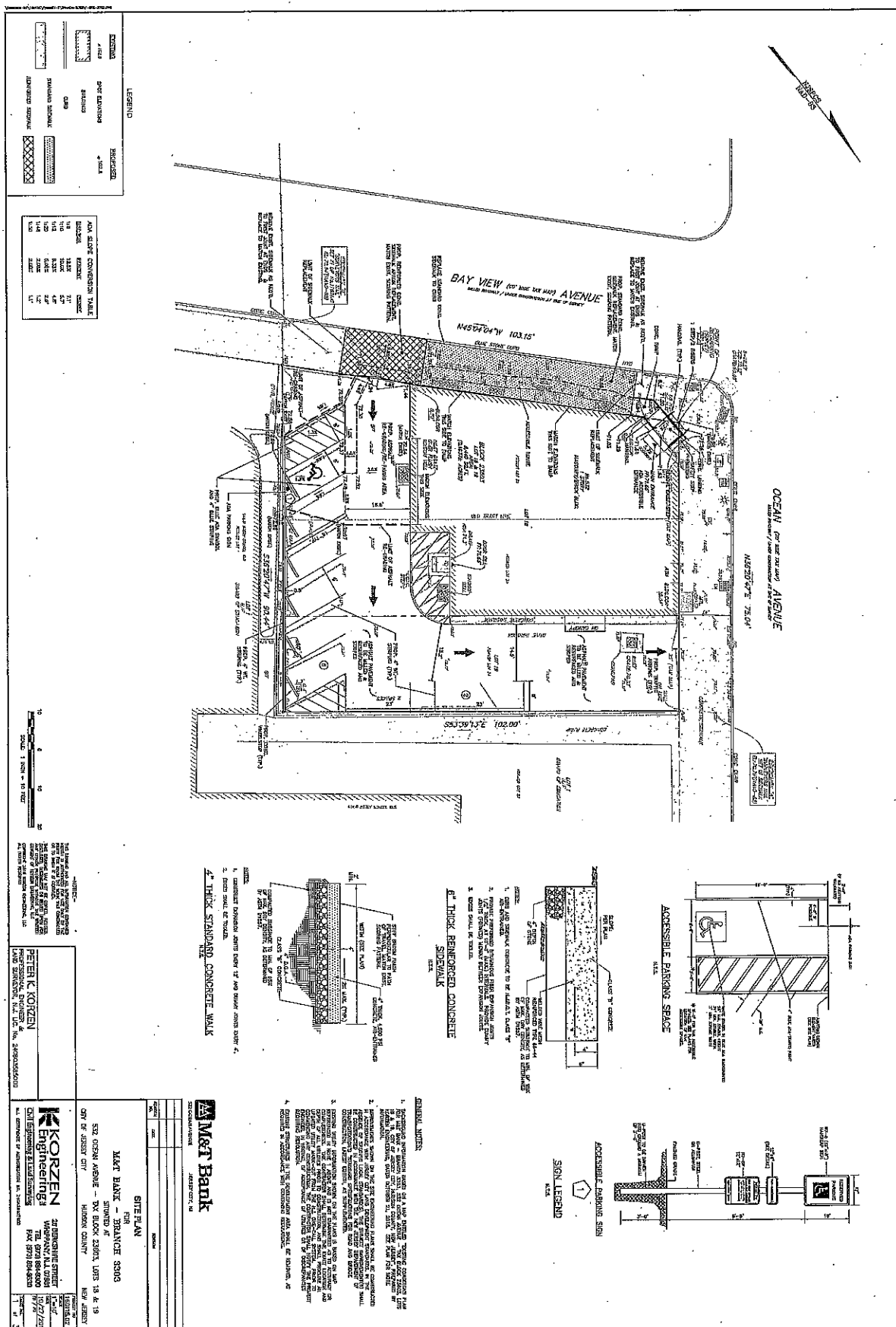
26 BERNARDS STREET  
VAUXHALL, N.J. 07088  
TEL: (973) 854-8300  
FAX: (973) 854-8300

PETER K. KORZEN  
PROFESSIONAL SURVEYOR  
LAND SURVEYOR, N.J. LIC. No. 24080328000



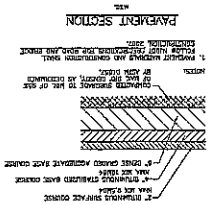
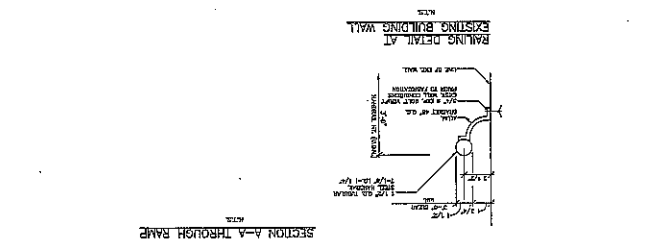
NOTICE

THIS MAP AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF KORZEN ENGINEERING, LLC. NO PART OF THIS MAP OR INFORMATION CONTAINED HEREIN MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KORZEN ENGINEERING, LLC.







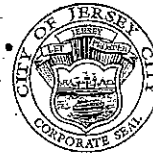


DATE	NO.	NAME
12/15/93	100	CONSTRUCTION DETAILS
12/15/93	101	MAT BANK - BRANCH 3308
12/15/93	102	STAMPED BY
12/15/93	103	532 OCEAN AVENUE - TUX BLOCK 2350S, LOTS 18 & 19
12/15/93	104	CITY OF ALBANY CITY
12/15/93	105	20 HENRIER-WARD STREET
12/15/93	106	WARRINGTON, N.Y. 03081
12/15/93	107	TEL: 603-884-0000
12/15/93	108	FAX: 603-884-0000
12/15/93	109	THE SERVICE OF ALBANY/ALBANY INC. BOSTON/MA
12/15/93	110	KORZEN Engineering & Consulting



522 OCEAN AVENUE  
JERSEY CITY, NJ

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-143  
TITLE: 3.C OCT 11 2017 4.C

A franchise ordinance granting permission to M&T Bank - Branch 3303, its successors and assigns, to make private improvements to a portion of lands within the sidewalk area of Bayview Avenue and Ocean Avenue public right of ways located adjacent to 532 Ocean Avenue, Jersey City

RECORD OF COUNCIL VOTE ON INTRODUCTION <b>OCT 11 2017</b> <b>9-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on

**OCT 11 2017**

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

APPROVED:

Steven M. Fulop, Mayor

Date

Date to Mayor

City Clerk File No. Ord. 17-144  
Agenda No. 3.D 1st Reading  
Agenda No. 4.D 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-144

**TITLE: ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE 17-073 ADOPTED ON JUNE 28, 2017 TO AUTHORIZE AN AMENDMENT TO THE AGREEMENT OF SALE WITH THE COUNTY OF HUDSON DATED JUNE 29, 2017 FOR THE SALE OF CITY-OWNED PROPERTY AT 26-30 COOK STREET, 393 HOBOKEN AVENUE, AND 33-37 OAKLAND AVENUE, JERSEY CITY AND THE EXECUTION OF AN ENVIRONMENTAL REMEDIATION ESCROW AGREEMENT**

**COUNCIL  
FOLLOWING RESOLUTION:**

**OFFERED AND MOVED ADOPTION OF THE**

**WHEREAS**, Ordinance 17-073, adopted on June 28, 2017, authorized the City of Jersey City ("City") to execute an Agreement of Sale to sell to the County of Hudson ("County") 26-30 Cook Street, 393 Hoboken Avenue, and 33-37 Oakland Avenue, Jersey City ("Property") to the County for the sum of \$7,500,000.00; and

**WHEREAS**, the County intends construct a new Administration and Courthouse Building on the Property; and

**WHEREAS**, the parties executed an Agreement of Sale dated June 29, 2017; and

**WHEREAS**, as part of the County's due diligence in preparing to close the Agreement of Sale, French & Parrello Associates (F&P) performed a Phase II Environmental Site Assessment (Assessment) of the Property; and

**WHEREAS**, as result of the Assessment, the New Jersey Department of Environmental Protection (NJDEP) spill hotline must be notified and a Licensed Site Remediation Professional must be retained by the County to oversee and approve required NJDEP report submissions and remedial actions pertaining to the Property; and

**WHEREAS**, F&P submitted a proposal to the County dated August 14, 2017 to perform remediation work on the Property for a total contract amount of \$108,174.00; and

**WHEREAS**, the City, as the seller, is responsible for the remediation costs related to the Property; and

**WHEREAS**, after the Property is sold to the County, the County will consolidate the various lots into one lot and it is expected that the NJDEP will approve remediation work that will be less than \$108,174.00; and

**WHEREAS**, the County will hold \$108,174.00 in an environmental escrow account and if the remediation costs are less than this amount, any funds remaining after F&P completes the environmental remediation work will be delivered to the City; and

**WHEREAS**, the parking lot on the Property that the City leased to a tenant to operate as a public

parking lot closed as of September 1, 2017 because of the sale of the Property; and

**WHEREAS**, the operation of the courts at 593 and 595 Newark Avenue, Jersey City was being disrupted because there was less public parking available in the neighborhood; and

**WHEREAS**, the County took possession of the Property as of October 6, 2017 so that the Property could be used again for public parking while the County makes preparations to begin construction; and

**WHEREAS**, the County agreed to indemnify and hold harmless the City when it took possession of the Property on October 6, 2017; and

**WHEREAS**, it is necessary to amend the Agreement of Sale dated June 29, 2017 to provide for an environmental escrow account in the amount of \$108,174.00; and

**WHEREAS**, it is necessary to amend the Agreement of Sale to reflect that the County took possession of the Property on October 6, 2017 and deposited the sale proceeds in an escrow account held by its title company; and

**WHEREAS**, the closing of the Agreement of Sale will occur after the adoption of this Ordinance amending the Agreement of Sale.

**NOW, THEREFORE, BE IT ORDAINED**, by the Municipal Council of the City of Jersey City that:

1. the above recitals are incorporated herein by reference;
  2. the Mayor or Business Administrator is authorized to execute the First Amendment to the Agreement of Sale and the Environmental Remediation Escrow Agreement which are attached hereto.
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
  - B. This ordinance shall be a part of the Jersey City code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
  - C. This ordinance shall take effect in the manner as prescribed by law.
  - D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new; therefore, underlining has been omitted.  
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

RR  
10-2-17

RR  
10-2-17

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**RESOLUTION FACT SHEET - CONTRACT AWARD**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE 17-073 ADOPTED ON JUNE 28, 2017 TO AUTHORIZE AN AMENDMENT TO THE AGREEMENT OF SALE WITH THE COUNTY OF HUDSON DATED JUNE 29, 2017 FOR THE SALE OF CITY-OWNED PROPERTY AT 26-30 COOK STREET, 393 HOBOKEN AVENUE, AND 33-37 OAKLAND AVENUE, JERSEY CITY AND THE EXECUTION OF AN ENVIRONMENTAL REMEDIATION ESCROW AGREEMENT**

**Project Manager**

Department/Division	Administration	
Name/Title	Robert Kakoleski	Business Administrator
Phone/email	547-5147	RKakoleski@cnj.org

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Contract Purpose**

Ordinance 17-073, adopted on 6-28-17, authorized the City to execute an Agreement of Sale to sell to Hudson County 26-30 Cook St., 393 Hoboken Ave., and 33-37 Oakland Ave. ("Property") for the sum of \$7,500,000.00 to construct a new building for the County Courts and offices. As part of the County's due diligence, French & Parrello Associates (F&P) performed a Phase II Environmental Site Assessment (Assessment) of the Property. As result of the Assessment, certain environmental remediation work must be done on the Property prior to the closing. F&P submitted a proposal to the County to perform remediation work on the Property for a total contract amount of \$108,174.00. The City, as the seller, is responsible for the remediation costs related to the Property. Because the actual cost of the remediation work may end up being less than this amount, it is necessary to establish an environmental remediation escrow account and for the City to execute an environmental remediation escrow agreement. The closing of the parking lot that was on the Property has caused disruptions to the operations of various County Courts. The County desires to take possession of the Property immediately so that the parking lot can be reopened while the County prepares for construction. It is necessary to amend the Agreement of Sale to address the remediation work and the County's taking possession of the Property prior to the enactment of this Ordinance.

**Cost (Identify all sources and amounts)**

Not applicable

**Contract term (include all proposed renewals)**

Not applicable

Type of award Not applicable

If "Other Exception", enter type

**Additional Information**

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

10/4/17

**FIRST AMENDMENT TO AGREEMENT OF SALE DATED JUNE 29, 2017**

This First Amendment of Agreement of Sale is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017  
between the City of Jersey City (City) and the County of Hudson (County).

WHEREAS, Ordinance 17-073, adopted on June 28, 2017, authorized the City to sell property located at 26-30 Cook Street, 393 Hoboken Avenue, and 33-37 Oakland Avenue, Jersey City (Property) to the County for the sum of seven million five hundred thousand dollars (\$7,500,000.00);  
and

WHEREAS, the parties executed an Agreement of Sale dated June 29, 2017; and

WHEREAS, as part of the County's due diligence in preparing to close the Agreement of Sale, French & Parrello Associates (F&P) performed a Phase II Environmental Site Assessment (Assessment) of the Property; and

WHEREAS, as result of the Assessment, the New Jersey Department of Environmental Protection (NJDEP) spill hotline must be notified and a Licensed Site Remediation Professional must be retained by the County to oversee and approve required NJDEP report submissions and remedial actions pertaining to the Property; and

WHEREAS, F&P submitted a proposal to the County dated August 14, 2017 to perform remediation work on the Property for a total contract amount of \$108,174.00; and

WHEREAS, the City, as the seller, is responsible for the remediation costs related to the Property;  
and

WHEREAS, after the Property is sold to the County, the County will consolidate the various lots into

one lot and it is expected that the NJDEP will approve remediation work that will be less than \$108,174.00; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1), the City is required to approve this First Amendment to the Agreement of Sale by the adopting an Ordinance to amend Ordinance 17-073; and

WHEREAS, the City expects to have the Amending Ordinance introduced at the City Council meeting of October 11, 2017 and approved at the City Council meeting of October 25, 2017; and

WHEREAS, the County desires to take possession of the Property immediately and agrees to indemnify and hold harmless the City from any liability arising from or in connection with the County's taking possession of the Property; and

WHEREAS, the County will deposit the purchase proceeds minus the environmental escrow amount with Hudson Realty Abstract Company to be held in escrow until the Amending Ordinance authorizing this First Amendment to the Agreement of Sale is adopted; and

WHEREAS, the City will have the deed transferring the Property executed and delivered to Hudson Realty Abstract Company to be held in escrow until the Amending Ordinance is adopted.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein the parties agree as follows:

1. The County will hold \$108,174.00 of the sale proceeds in an environmental escrow account that will be used by the County to pay for the remediation work to be performed at the Property by F&P pursuant to its proposal to the County dated August 14, 2017 which is attached hereto as Exhibit "A" and incorporated herein by reference.
3. If the NJDEP approves a less costly remediation plan for the Property, any funds remaining

in the environmental escrow account after the completion of F&P's work will be transferred to the City.

4. On or before October 6, 2017, the County agrees to place the sale proceeds minus the environmental escrow amount in a transfer escrow account that will be held by Hudson Realty Abstract Company until the adoption of the City Ordinance authorizing the First Amendment of Agreement of Sale.
5. On or before October 6, 2017, the City agrees to deliver to Hudson Realty Abstract Company the deed transferring the Property to be held in escrow until the adoption of the City Ordinance authorizing the First Amendment of Agreement of Sale
6. On or before October 6, 2107, the City authorizes the County to take possession of the Property.
7. The County agrees to assume any and all risk of loss or damage of any kind whatsoever to property or injury to or death including wrongful death of persons arising out of the County's taking possession of the Property. The County further agrees to indemnify and hold harmless the City, its officers, directors, employees or agents from and against any and all claims, suits and demands based upon any of the risks so assumed, whether just or unjust, fraudulent or not, and for all costs and expenses incurred by them in the defense, settlement or satisfaction of any such claims, including attorney's fees and costs of suit. If so directed, the County shall, at no cost or expense to the City, defend against such claims, in which event the County shall not, without obtaining express permission in advance from the Corporation Counsel of the City, raise any defense involving in any way the immunity of the City, or the provisions of any statutes respecting suits against the City. The County's liability under this First



Amendment of the Agreement of Sale shall continue after the termination of it with respect to any liability, loss, expense or damage resulting from acts occurring prior to termination, during the time period between October 6, 2017 and the formal closing date.

8. All other terms, covenants, conditions, rights and liabilities of the parties is set forth in the Agreement of Sale dated June 29, 2017 shall remain in full force and effect.

**IN WITNESS WHEREOF**, the City of Jersey City by its Mayor or Business Administrator and the County of Hudson by its County Administrator have executed this First Amendment to the Agreement of Sale and affixed their corporate seal thereto the day, month and year first above written.

**ATTEST:**

**CITY OF JERSEY CITY**

\_\_\_\_\_  
**ROBERT BYRNE**  
City Clerk

\_\_\_\_\_  
**ROBERT KAKOLESKI**  
Business Administrator

**ATTEST:**

**COUNTY OF HUDSON**

\_\_\_\_\_  
**ABRAHAM ANTUN**  
County Administrator

# EXHIBIT A



Corporate Office  
1800 Route 34, Suite 101  
Wall, NJ 07719

Regional Offices  
Hackettstown, NJ  
New York, NY

August 14, 2017  
VIA EMAIL @ ([avincitore@hcnj.us](mailto:avincitore@hcnj.us))

Mr. Aurelio Vincitore  
Assistant County Counsel  
**COUNTY OF HUDSON**  
Administration Building Annex, 4<sup>th</sup> Floor  
567 Pavonia Avenue  
Jersey City, NJ 07306

Re: Proposal for Site & Remedial Investigations and Remedial Action Work Plan  
**Parking Authority of the City of Jersey City**  
Block 8102, Lots 1, 6, 7, 25, 26, & 27  
Corner of Hoboken Avenue and Cook Street  
City of Jersey City, Hudson County, New Jersey  
*FPA No. 9505.PR8*

Dear Mr. Vincitore:

French & Parrello Associates (FPA) performed a Phase I Environmental Site Assessment at the above referenced property in 2015 at your request. Our Phase I identified the following areas of concern which warranted further investigation:

**REC/AOC-1: Potential Unsuitable Fill**

Based upon the urban setting and past history of building demolition prior to use as a parking lot, there is a potential for construction debris or other unsuitable fill to be present on site.

**REC/AOC-2: Potential USTs**

Based on historic property use there is the potential for USTs within the interior of the parking lot from residential structures in place prior to conversion of the site for a parking lot.



## Background

FPA was authorized by Hudson County to perform a Phase II Environmental Site Assessment at the subject property. On August 2, 2017, FPA arrived at the Subject Property to conduct an investigation of the subsurface soils on site. A total of three soil borings were advanced to a depth of 10.0' bgs. One soil sample was collected from each boring. A rock confining layer was encountered at approximately 7.9 feet bgs.

According to analytical results, each of the three soil samples exhibited contaminants above the NJDEP Residential Direct Contact Soil Remediation Standards (RDCSRS) and Default Impact to Groundwater Soil Screening Levels (DIGWSSL) typically associated with historic fill. Each soil sample contained Polycyclic Aromatic Hydrocarbons (PAHs) and lead above the RDCSRS. Each soil sample also contained select metals in exceedance of their respective DIGWSSL standards.

Based upon the results of our Phase II ESA, the New Jersey Department of Environmental Protection (NJDEP) spill Hotline must be notified and a Licensed Site Remediation Professional (LSRP) must be retained to oversee and approve required NJDEP report submissions and remedial actions.

Our proposed scope of work relative to environmental impacts identified at the site are provided below.

## SCOPE OF WORK

### TASK 1: LSRP Retention and NJDEP Forms

All new sites which previously would be under the oversight of the NJDEP are required to be under the direct supervision of a Licensed Site Remediation Professional (LSRP). FPA will notify the NJDEP Spill Hotline and will provide an LSRP to oversee this project. FPA will prepare the required LSRP forms, including LSRP Retention, Confirmed Discharge Notification, Public Notification Site and Remedial Investigation Report Form and Receptor Evaluation in accordance with the NJDEP Site Remediation Reform Act (SRRA), which will be submitted simultaneously with the associated reports.

Lump Sum.....\$4,800.00

### TASK 2: NJDEP Permitted Well Installation and Groundwater Investigation

Due to apparent groundwater impacts identified during Subsurface Investigation activities, one NJDEP permitted monitoring well will be required for groundwater investigations and monitoring.

Bedrock well installation and oversight.....\$6,140.00  
NJDEP Permitted Bedrock Monitoring Well inc. Professional Oversight



## **TASK 2A: Groundwater Sampling, Monitoring Well Survey and Form B Preparation**

Groundwater sampling (2 rounds/ 1 well) .....\$4,700.00  
Well Survey and NJDEP Form B Prep .....\$2,000.00

## **TASK 3: NJDEP Well Search**

FPA will complete a NJDEP well search for wells within 1.5 miles of the subject property. The well search is required to evaluate off-site wells which may be impacted from contaminants emanating from the subject property. The well search findings will be uploaded to the NJDEP Geographic Information System Well location data base.

Lump Sum .....\$ 2,000.00

## **TASK 4: Reporting**

### **Site and Remedial Investigation Report, Receptor Evaluation and Remedial Action Workplan**

FPA will prepare and submit a NJDEP Formatted Site / Remedial Investigation and Remedial Action Workplan in accordance with the *NJDEP Technical Requirements for Site Remediation*.

Reporting Lump Sum.....\$8,800.00  
NJDEP Fees ..... \$2,500.00 (Est)

## **TASK 5: LSRP Review and Project Management**

A NJDEP LSRP will review all NJDEP submissions for compliance with regulatory requirements. The LSRP will countersign all required forms for submission to NJDEP.

Lump Sum .....\$2,000.00

## **TASK 6: Environmental Deed Notice and CEA Preparation**

A Deed Notice will be prepared for filing with the County Clerk associated with Historic Fill impacts. It will include the required NJDEP documents, scaled plans using NAD83 compatible with GIS requirements, cap cross section plans, tabulated data showing contaminants remaining under the cap and meta data.

The Deed notice will require on going cap monitoring and biannual inspections and reporting to ensure the cap elements remain protective of human health and the environment (See Task 9 below).

Lump Sum Deed Notice & CEA Preparation ..... \$8,700.00



## **TASK 7: Reporting**

### **Remedial Action Report, Response Action Outcome and NJDEP Fees**

FPA will prepare and submit a NJDEP Formatted Remedial Action Report and final Response Action Outcome in accordance with the *NJDEP Technical Requirements for Site Remediation upon completion of remedial actions*.

Reporting Lump Sum.....\$7,000.00

### **TASK 7A: NJDEP RAR and RAO Forms and Submission via NJDEP Online Portal**

FPA will prepare the required RAR and RAO forms, and will complete the NJDEPM On-line submission via the NJDEP LSRP Portal

Lump Sum.....\$2,400.00

## **TASK: 8: Soil and Groundwater Remedial Action Permit Preparation**

A NJDEP Soil Remedial Action Permit will be required to implement and sustain the proposed deed notice. FPA will complete the Remedial Action Permit application and submit to the NJDEP with the filed deed notice. This permit also requires a \$600 fee paid by client. The Deed notice and Permit will be included in the final NJDEP Remedial Action Report.

The CEA will also require preparation and submission of a Groundwater Remedial Action permit. The permit fees for the Deed notice and CEA will be paid by the Client.

Permit Preparation Lump Sum ..... \$2,300.00

## **TASK 9: DEED NOTICE AND CAP MONITORING AND BIENNIEL CERTIFICATION**

Deed Notice and Cap Monitoring and Biennial Certification

@ \$3,000/ 2 -year period for 30 years..... \$45,000.00

*Note: The Biennial Certification is required for a minimum 30-year period. Costs would be incurred biannually at \$3,000/2-year period.*

FEES TASKS 1 - 6 .....\$41,640.00

EXTENDED FEES TASKS 7 - 9 .....\$56,700.00

**TOTAL PROJECT FEE .....\$98,340.00**

10% CONTINGENCY .....\$9,834.00



## ASSUMPTIONS

1. Analytical costs assume standard turnaround time.
2. Excludes any services not specifically mentioned herein.
3. Additional services will be required prior to case closure. These services will be proposed under separate agreement.

Respectfully submitted,

**FRENCH & PARRELLO ASSOCIATES**

A handwritten signature in black ink, appearing to read 'Kevin Rothausen', is written over the company name.

Kevin Rothausen  
Senior Project Manager

## ENVIRONMENTAL REMEDIATION ESCROW AGREEMENT

ESCROW AGREEMENT made this \_\_\_\_ day of OCTOBER, 2017, between the City of Jersey City, located at 280 Grove Street, Jersey City, NJ 07302 ("Seller") and COUNTY OF HUDSON, a corporate and politic, with an address at 567 Pavonia Avenue, Jersey City, New Jersey 07306 ("Buyer").

WHEREAS, Buyer and Seller have entered into a Contract for the sale of 26-30 Cook Street, 393 Hoboken Avenue, and 33-37 Oakland Avenue, Jersey City, NJ 07306, also known as Block 8102, Lots 1,6,7,25-27 (the "Property"); and

WHEREAS, during the pre-closing period there were environmental issues which were discovered at the site, which require regulatory review and oversight at the Property (the "Environmental Issues"); and

WHEREAS, the Buyer has retained the firm of French & Parrello Associates, PA to be the Licensed Site Remediation Professional (the "LSRP") pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10C-1, et seq. ("SRRA") and the Administrative Requirements of the Remediation of Contaminated Sites ("ARRCS") Rules, N.J.A.C. 7:26C et seq. to address the Environmental Issues; and

WHEREAS, the LSRP has provided the Seller with a Phase II Report and remedial cost estimates (the "Report"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Buyer is not willing to close title to the Property unless and until the Environmental Issues are fully resolved and the Seller wishes to close title while those issues are being resolved; and

WHEREAS, the Buyer and Seller wish for this Escrow Agreement to be the full and final resolution of the Environmental Issues.



NOW THEREFORE, for \$1.00 and other good and valuable consideration which the parties acknowledge as being adequate and sufficient, it is stipulated and agreed as follows:

1. *Sales proceeds in escrow.* Hudson Realty Abstract Company (the "Escrow Agent") shall hold the sum of One Hundred Eight Thousand One Hundred and Seventy Four Dollars 00/100 (\$108,174.00) of the net sales proceeds from the sale of the Property in escrow (the "Environmental Escrow") pending resolution of the Environmental Issues.

2. *Release of Environmental Escrow.* After the time fixed for closing, the LSRP shall be paid from the Environmental Escrow for remediation of the Environmental Issues completed by the LSRP. At the conclusion of all remedial work, regulatory filings, and after all of the LSRP's invoices have been submitted and paid in full, upon the receipt of a Response Action Outcome (RAO) from the NJ Department of Environmental Protection for the work done to address the Environmental Issues ("Seller's Environmental Obligation"), any balance of the Environmental Escrow shall be released to the Seller.

3. *Release of funds.* The Escrow Agent is hereby authorized, upon five (5) days written notice to the Seller, to release the funds held by the Escrow Agent in accordance with the provisions of this Environmental Escrow Agreement. Upon completion of the Seller's Environmental Obligation, the escrow shall be refunded by the Escrow Agent to the Seller.

4. *Attorney's fees.* In the event that either party incurs any legal expense in connection with the enforcement of any right under this Environmental Escrow Agreement, then in any action in which a party is a prevailing party, the party shall, in addition to any other relief awarded, receive an award of reasonable attorney's fees and court costs.

5. *Entire agreement.* This Environmental Escrow Agreement constitutes the entire agreement between the parties. No representations, warranties, or promises pertaining to this

agreement have been made by, or shall be binding on, any of the parties, except as expressly stated in this Environmental Escrow Agreement. This Environmental Escrow Agreement may not be changed orally and any oral agreements heretofore made by the parties shall be superseded by the terms of this Environmental Escrow Agreement.

6. *Notices.* All notices shall be in writing to the parties at the address first written above along with a copy to the Office of the Hudson County Counsel, the attorney for the Buyer, at 567 Pavonia Avenue, Jersey City, New Jersey 07306 and to the Office of the City of Jersey City's Corporation Counsel, the attorney for the Seller, at 280 Grove Street, Jersey City, New Jersey 07302.

7. *Final agreement and release as to Environmental Issues.* The Seller and Buyer agree that the within Environmental Escrow Agreement is the sole and exclusive agreement as to the Environmental Issues. Provided the Seller has performed its obligations under the terms of this Escrow Agreement, the Buyer shall have no further claims against the Seller for the Environmental Issues.

8. *Binding effect.* This Environmental Escrow Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors and assigns.

9. *Governing law.* This Environmental Escrow Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey. Any action for its enforcement must be filed in the Superior Court of the State of New Jersey, which is situated in Hudson County.

10. *Counterparts.* This Environmental Escrow Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed and delivered the memorialization of their agreement the day and year first above mentioned.

CITY OF JERSEY CITY

BY \_\_\_\_\_  
Robert Kakoleski, Seller  
Business Administrator

Witness

\_\_\_\_\_

COUNTY OF HUDSON

BY \_\_\_\_\_  
Abraham Antun, Buyer  
County Administrator

Witness

\_\_\_\_\_

HUDSON REALTY ABSTRACT, CO.

By: \_\_\_\_\_  
GERALD LEPIS  
Escrow Agent

Witness

\_\_\_\_\_

Ordinance authorizing an amendment to Ordinance 17-073 adopted on June 28, 2017 to authorize an amendment to the agreement of sale with the County of Hudson dated June 29, 2017 for the sale of city owned property at 26-30 Cook Street, 393 Hoboken Avenue and 33-37 Oakland Avenue, Jersey City and execution of an Environmental Remediation Escrow

OCT 11 2017 9-0

## RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

N.V.--Not Voting (Abstain)

N.V.--Not Voting (Abstain)

Date to Mayor

City Clerk File No. Ord. 17-145

Agenda No. 3 - E 1st Reading

Agenda No. 4 - E 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-145

**TITLE: AN ORDINANCE AMENDING ORDINANCE 17-105 WHICH APPROVED A FIVE (5) YEAR TAX EXEMPTION FOR THE ENTITY DEVELOPING 65 STORMS AVENUE IN ORDER TO INCLUDE SPACE FOR VEHICULAR PARKING AND AUTHORIZING THE CITY TO COLLECT ADDITIONAL MONIES FOR THE AFFORDABLE HOUSING TRUST FUND**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, on August 16, 2017, the Municipal Council approved Ordinance 17-105 which granted a five (5) year tax exemption for the Property designated as Block 15203, Lot 10, on the City's Tax Map and more commonly known by the street address of 65 Storms Avenue; and

**WHEREAS**, the Entity originally planned to construct a new four (4) story building to contain approximately nine (9) market rate residential rental units; and

**WHEREAS**, the Entity amended the project to include 3,970.54 square feet of space for vehicular parking; and

**WHEREAS**, the City requires a contribution to the Affordable Housing Trust Fund in an amount equal to \$1.50 per square foot for each square foot of vehicular parking space in any project in receipt of a tax exemption; and

**WHEREAS**, the addition of this space for parking will require the Entity constructing 65 Storms Avenue to pay an additional \$5,955.81 ( $3,970.54 \times 1.50 = 5,955.81$ ) to the Affordable Housing Trust Fund; and

**WHEREAS**, there are no other changes to the project.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

1. Ordinance 17-105 and the Tax Agreement pursuant to it are hereby amended to include the additional 3,970.54 square feet of vehicular parking space and the Tax Collector is authorized to collect the additional \$5,955.81, representing the Entity's increased contribution to the Affordable Housing Trust Fund.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall reflect the above changes.

A. All ordinances and parts of ordinances inconsistent herewith, including but not limited to Ordinance 17-105, are hereby repealed.

B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

**AN ORDINANCE AMENDING ORDINANCE 17-105 WHICH APPROVED A FIVE (5) YEAR TAX EXEMPTION FOR THE ENTITY DEVELOPING 65 STORMS AVENUE IN ORDER TO INCLUDE SPACE FOR VEHICULAR PARKING AND AUTHORIZING THE CITY TO COLLECT ADDITIONAL MONIES FOR THE AFFORDABLE HOUSING TRUST FUND**

C. This ordinance shall take effect at the time and in the manner provided by law.

D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new; therefore underlining has been omitted.  
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH/he  
10/02/17

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**AN ORDINANCE AMENDING ORDINANCE 17-105 WHICH APPROVED A FIVE (5) YEAR TAX EXEMPTION FOR THE ENTITY DEVELOPING 65 STORMS AVENUE IN ORDER TO INCLUDE SPACE FOR VEHICULAR PARKING AND AUTHORIZING THE CITY TO COLLECT ADDITIONAL MONIES FOR THE AFFORDABLE HOUSING TRUST FUND**

**Initiator**

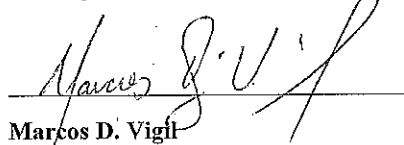
<b>Department/Division</b>	Office of the Mayor	Office of the Deputy Mayor
<b>Name/Title</b>	Marcos D. Vigil	Deputy Mayor
<b>Phone/email</b>	201-547-6542	mvigil@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

This Ordinance will amend the Tax Agreement for 65 Storms Avenue to include 3,970.54 square feet of space for vehicular parking thus allowing the City to charge the developer an additional \$5,955.81 to be deposited into the Affordable Housing Trust Fund (3,970.54 sq. ft. x 1.50 per sq. foot = 5,955.81).

I certify that all the facts presented herein are accurate.



**Marcos D. Vigil**  
Deputy Mayor

October 3, 2017

**Date**

TIER ONE (5 YEAR) / 10-02-17  
NJSA 40A:21-1 et seq  
(Multiple Dwelling, Industrial, Commercial)

**TAX AGREEMENT**  
**FIVE YEAR/NEW CONSTRUCTION**

**THIS AGREEMENT** made as of the \_\_\_ day of \_\_\_\_\_, 2017, by and between the **CITY OF JERSEY CITY** [City], a municipal corporation organized under the Laws of the State of New Jersey and having its principal place of business at 280 Grove Street, Jersey City, New Jersey 07302, and, **INDERJIT & ONKAR SINGH** [Applicant /Owner], whose principal place of business is 222 Duncan Avenue, Jersey City, New Jersey, New Jersey 07306.

**WITNESSETH:**

**WHEREAS**, the Municipal Council has indicated by its intention to utilize the five year tax exemption provisions authorized by Article VIII, Section I, paragraph VI of the NJ State Constitution and the Five Year Exemption Law, N.J.S.A. 40A:21-1 et seq. for improvements and projects by the adoption of Ordinance 05-060, as amended by Ordinance 07-146; and

**WHEREAS**, the Applicant is owner of certain property located at 65-67 Storms Avenue, in the City of Jersey City, County of Hudson and State of New Jersey, designated as Block 15203, Lot 10 on the Tax Assessor's Map, more commonly known by the street address of 65-67 Storms Avenue and more particularly described in the metes and bounds description attached hereto as Exhibit A [Property];

**WHEREAS**, on or about May 17, 2017, the Applicant applied for a five year tax exemption to construct a new four (4) story building to contain approximately nine (9) market rate rental units **and 3,970.54 square feet of parking space** on the Property [Improvements] pursuant to N.J.S.A. 40A:21-1 et seq and Section 304-12 of the Municipal Code [Law]; and

**WHEREAS**, the City has reviewed the application, approved the construction of the Improvements and authorized the execution of a Tax Exemption Agreement by the adoption of Ordinance 17-\_\_\_ on \_\_\_\_\_.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises and covenants hereinafter contained, the parties hereto agree as follows:

**ARTICLE I: APPROVAL OF TAX EXEMPTION**

The City hereby agrees to a tax exemption for the construction of a new four (4) story building to contain approximately nine (9) market rate rental units **and 3,970.54 square feet of parking space** [Improvements] on the Property, as further described in the Application, attached hereto as Exhibit B, pursuant to the provisions of N.J.S.A. 40A:21-



1 et seq. and Ordinance 17-\_\_\_\_ which authorized the execution of this Tax Agreement [Law], subject to the terms and conditions hereof.

## **ARTICLE II: IN LIEU OF TAX PAYMENTS**

The Applicant agrees to make estimated payments on the new Improvements, (separate and apart from taxes on the land and existing improvements which shall continue to be subject to conventional assessment and taxation and for which the Applicant shall receive no credit against the in lieu of tax payment) in lieu of full property tax payments according to the following schedule:

1. For the full calendar of Year 1, no payment in lieu of taxes;
2. For the full calendar of Year 2, twenty (20%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$3,635;
3. For the full calendar of Year 3, forty (40%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$ 7,270;
4. For the full calendar of Year 4, sixty (60%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$ 10,905; and
5. For the full calendar of Year 5, eighty (80%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$ 14,539.

In the event a City-wide revaluation results in decrease in the amount of taxes otherwise due, payment hereunder shall be the higher of either the taxes estimated above or the amount of actual taxes after the City-wide revaluation.

## **ARTICLE III: APPLICATION FEE**

The Applicant has paid the sum of **\$1,800** to the City as an application fee. Failure to make such payment shall cause the tax exemption to terminate.

## **ARTICLES IV: FEDERAL, STATE AND LOCAL LAW**

The construction of the Improvements is subject to all applicable federal, State and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

## **ARTICLE V: TERM OF EXEMPTION**

The Tax Exemption granted shall be valid and effective for a period of five (5) full calendar years from the date of Substantial Completion of the Project, which shall ordinarily mean the date on which the City issues, or the Project is eligible to receive, a Certificate of Occupancy, whether temporary or final, for part or the whole of the Project.

During the term of the tax exemption, the Applicant shall make an in lieu of tax payment to the City in accordance with the schedule set forth above. Prior to the commencement of the tax exemption, and upon expiration thereof, the Applicant shall pay full conventional taxes on the Improvements.

#### **ARTICLE VI: REVALUE**

The applicant has agreed that in the event the revalue results in a decrease in the amount of actual taxes otherwise due, for purposes of calculating a tax payment hereunder during the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes.

#### **ARTICLE VII: NO COUNTY EQUALIZATION AND SCHOOL AID**

Pursuant to N.J.S.A. 40A:21-11(c), the percentage, which the payment in lieu of taxes for the tax exempt property bears to the property tax which would have been paid had an exemption not been granted for the property under this Agreement, shall not be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the City for determining equalization for county tax apportionment and school aid, during the term of the tax exemption agreement covering this property. At the expiration or termination of this Agreement, the reduced valuation procedure required under the Law shall no longer apply.

#### **ARTICLE VIII: OPERATION OR DISPOSITION OF PROPERTY**

If during any year prior to the termination of this Agreement, the Applicant ceases to operate or disposes of the Property, or fails to meet the conditions for qualifying for tax exemption under this Agreement or pursuant to Law, then the tax which would have otherwise been payable for each and every year, shall become due and payable from the Applicant as if no exemption had been granted. The Tax Collector shall, within 15 days thereof, notify the owner of the Property of the amount of taxes due.

However, with respect to the disposal of the property, if it is determined that the new owner will continue to use the property pursuant to the conditions which qualify the property for exemption, the tax exemption shall continue and this Agreement shall remain in full force and effect.

#### **ARTICLE IX: AFFORDABLE HOUSING TRUST FUND CONTRIBUTION REQUIRED**

A. **Contribution.** The Entity will pay the City the sum of **\$19,456** or **\$1,500 x 9 units and \$1.50 x 3,971.54 square feet of parking space**, as a contribution. The sum shall be due and payable as follows:

- i. 1/3 on or before the effective adoption date of the Ordinance approving the tax exemption;

- ii. 1/3 on or before the issuance of the first of any construction permit for the Project, but no later than six months after the date of the Tax Agreement; and
- iii. 1/3 on or before the date the first of any Certificate of Occupancy is issued for the Project, but no later than twenty-four (24) months after the date of the Tax Agreement.

#### **ARTICLE X: TERMINATION/ELIGIBILITY FOR ADDITIONAL TAX EXEMPTION**

Upon the termination of this Agreement for tax exemption, the Project shall be subject to all applicable real property taxes as provided by State Laws and Regulations and City Ordinances. However, nothing herein shall be deemed to prohibit the Project, at the termination of this Agreement, from qualifying for and receiving the full benefits of any other tax preferences allowed by law. Furthermore, nothing herein shall prohibit the Applicant from exercising any rights under any other tax provisions of State law or City Ordinances.

In the event the owner elects to terminate this tax abatement after the revalue, the owner shall pay the City the difference of 100% of the full amount of the taxes otherwise due from the 1<sup>st</sup> year of this agreement to the date of termination.

#### **ARTICLE XI: PROJECT EMPLOYMENT AND CONTRACTING AGREEMENT**

In order to provide City residents and businesses with employment and other economic opportunities, the Applicant agrees to comply with the terms and conditions of the Project Employment & Contracting Agreement which is attached hereto as Exhibit C.

#### **ARTICLE XII: PROJECT LABOR AGREEMENT AND LIVING WAGE REQUIREMENT (Projects with Construction Exceeding \$25 Million)**

The Applicant shall execute a Project Labor Agreement as required by Ordinance 07-123 as it exists or as it may be amended from time to time.

The Applicant also agrees to comply with the requirements of Section 3-76 of the Jersey City Municipal Code concerning required wage, benefit and leave standards for building service workers. All janitors and unarmed security guards employed at the Projects, including any and all tenants or subtenants of the developer, shall not be paid less than the standard hourly rate of pay and benefits for their respective classifications and shall be provided with paid leave in accordance with the provisions of the Jersey City Municipal Code Section 3-51G(1).

#### **ARTICLE XIII: NOTICES**

All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by registered or certified mail, postage prepaid, return receipt requested, to the party to be notified at the addresses set forth below or at such other address as either party may from time to time designate in writing:

**Notice to City:**

Business Administrator  
City Hall, 280 Grove Street  
Jersey City, New Jersey 07302

**Notice to Applicant:**

**Inderjit & Onkar Singh**  
**22 Duncan Avenue**  
**Jersey City, New Jersey 07306**

**ARTICLE XIV: GENERAL PROVISIONS**

This Agreement contains the entire Agreement between the parties and cannot be amended, changed or modified except by written instrument executed by the parties hereto.

In the event that any provisions or term of this Agreement shall be held invalid or unenforceable by a Court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof; provided, however, that the City continues to receive the full benefit of any economic term hereunder.

This Agreement shall be governed by and construed in accordance with the Laws of the State of New Jersey.

This agreement may be executed in several counterparts, each of which shall constitute but one and the same instrument.

**IN WITNESS WHEREOF**, the City and the Applicant have caused this Agreement to be executed on the date and year first above written.

**WITNESS:**

**INDERJIT & ONKAR SINGH**

\_\_\_\_\_

BY: \_\_\_\_\_  
**Inderjit & Onkar Singh,**  
**Member**

**ATTEST:**

**CITY OF JERSEY CITY**

\_\_\_\_\_  
**Robert Byrne**  
**City Clerk**

BY: \_\_\_\_\_  
**Robert J. Kakoleski**  
**Business Administrator**

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-145  
TITLE: 3.E OCT 11 2017 4.E

An ordinance amending Ordinance 17-105 which approved a five (5) year tax exemption for the entity developing 65 Storms Avenue in order to include space for vehicular parking and authorizing the City to collect additional monies for the Affordable Housing Trust Fund.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

OCT 11 2017

9-0

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on

OCT 11 2017

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date

\*Amendment(s):

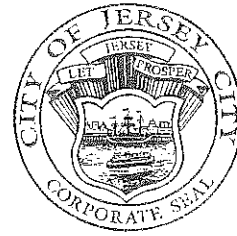
APPROVED:

Steven M. Fulop, Mayor

Date

Date to Mayor

City Clerk File No. Ord. 17-146  
Agenda No. 3. F 1st Reading  
Agenda No. 4. F 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-146

**TITLE: AN ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF STREET SWEEPERS AND RELATED EXPENSES FOR THE CITY OF JERSEY CITY AND APPROPRIATING \$2,600,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$2,600,000 IN BONDS OR NOTES OF THE CITY OF JERSEY CITY TO FINANCE THE SAME.**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Jersey City, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$2,600,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance involves a project funded by the New Jersey Environmental Infrastructure Trust.

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,600,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for which the bonds are to be issued is the acquisition of street sweepers for City street cleaning and maintenance and all related expenses and costs in connection therewith, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the business administrator or the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the business administrator or the chief financial officer. The business administrator or the chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The business administrator or the chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The business administrator or the chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general

improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,600,000, that the net debt of the City determined as provided in the Local Bond Law is increased by \$2,600,000, and the obligations authorized herein will be within all debt limitation prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The City reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof. This bond ordinance is intended to be a declaration of official intent under Treasury Regulations Section 1.150-2.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated



to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Municipal Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

APPROVED: 

APPROVED: \_\_\_\_\_

Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

AN ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF STREET SWEEPERS AND RELATED EXPENSES FOR THE CITY OF JERSEY CITY AND APPROPRIATING \$2,600,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$2,600,000 IN BONDS OR NOTES OF THE CITY OF JERSEY CITY TO FINANCE THE SAME.

**Initiator**

Department/Division	Administration	Management & Budget
Name/Title	Donna Mauer	Chief Financial Officer
Phone/email	201-547-5042	DonnaM@jcnj.org

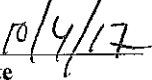
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

This bond ordinance is for a project being funded by the New Jersey Environmental Infrastructure Trust for the acquisition of new street sweepers for the Department of Public Works.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. \_\_\_\_\_ Ord. 17-146  
TITLE: 3.F OCT 11 2017 4.F

An ordinance of the City of Jersey City, in the County of Hudson, New Jersey, providing for the acquisition of Street Sweepers and related expenses for the City of Jersey City and appropriating \$2,600,000 therefor and providing for the issuance of \$2,600,000 in Bonds or Notes of the City of Jersey City to finance the same.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **OCT 11 2017**

Adopted on second and final reading after hearing on \_\_\_\_\_

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

APPROVED:

Robert Byrne, City Clerk

Rolando R. Lavarro, Jr., Council President

Date \_\_\_\_\_

\*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date \_\_\_\_\_

Date to Mayor \_\_\_\_\_